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E-FILED - 1/29/09

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 (San Jose Division)

TRACY WATSON et al.,)	No. C06-4029 RMW
Plaintiff,)	
v.)	STIPULATION AND ORDER
)	TO CONTINUE TRIAL AND ALL
COUNTY OF SANTA CLARA et al.,)	PRETRIAL DEADLINES
Defendants.)	

The parties in the above-captioned action submit the following Stipulation and Proposed Order for the purpose of requesting that the Court continue the trial, presently set for May 11, 2009, and all pretrial deadlines. This request is based on the ground that there are multiple pending motions to dismiss the fourth amended complaint filed by the Evergreen School District and the County Defendants. The parties have agreed to reset the hearing on these motions to March 20, 2009. Due to the status of the pleadings this case will not be ready for trial on May 11, 2009.

Accordingly, the parties stipulate to have the trial date and all pretrial deadlines, including the last date to hear dispositive motions and all fact discovery and expert discovery deadlines,

continued as set forth in the following schedule:

1. Amendment to Pleadings

The parties will not add any new parties to this action. Plaintiffs agree that prior to filing any further amended pleading they will obtain Court approval.

2. Motions to Dismiss Fourth Amended Complaint

The parties agree that the pending motions to dismiss the Fourth Amended Complaint filed by the Evergreen School District Defendants and County Defendants will be re-set for hearing on March 20, 2009.

3. Discovery

a. Non-Expert Discovery cut-off

Non-expert discovery will be completed by June 5, 2009.

b. Expert Disclosure

The parties will disclose experts no later than August 17, 2009.

c. Rebuttal Expert Witnesses

The parties will disclose rebuttal experts no later than September 17, 2009.

d. Expert Discovery cut-off

Expert discovery will be completed by October 16, 2009.

4. Deadline for Hearing Pretrial Motions

The final date for hearing on dispositive motions will be June 26, 2009.

5. Final Pretrial Conference

The parties are agreeable to participating in a Final Pretrial Conference on December 17, 2009.

6. Trial

The parties agree to commence trial on January 25, 2010.

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I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this efiled document.¹

ANN MILLER RAVEL
County Counsel

Dated: January 13, 2009

By: /S/
MELISSA R. KINIYALOCKS
Deputy County Counsel

Attorneys for County Defendants

Dated: January 13, 2009

By: /S/
JACQUELYN K. WILSON

Attorney for Evergreen School District
Defendants

Dated: January 14, 2009

By: /S/
CLIFF GREENBERG

Attorney for City of San Jose Defendants

Dated: January 14, 2009

By: /S/
PETER JOHNSON

Attorney for Plaintiffs

Dated: January ___, 2009

By: /S/
ROBERT R. POWELL

Attorney for Plaintiffs

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¹ Mr. Powell was provided notice of this stipulation and indicated that as associated counsel his signature was unnecessary.

ORDER CONTINUING TRIAL AND ALL PRETRIAL DEADLINES

The Court, having considered the stipulation of the parties and finding good cause, hereby orders the following:

1. Amendment to Pleadings

The parties may not add any new parties to this action. Plaintiffs must obtain Court approval prior to filing any further amended pleadings.

2. Motions to Dismiss Fourth Amended Complaint

The pending motions to dismiss the Fourth Amended Complaint filed by the Evergreen School District Defendants and the County Defendants are reset for hearing on March 20, 2009.

3. Discovery

a. Non-Expert Discovery cut-off

Non-expert discovery will be completed by June 5, 2009.

b. Expert Disclosure

The parties will disclose experts no later than August 17, 2009.

c. Rebuttal Expert Witnesses

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d. Expert Discovery cut-off

Expert discovery will be completed by October 16, 2009.

4. Deadline for Hearing Pretrial Motions

The final date for hearing on dispositive motions will be June 26, 2009.

5. Final Pretrial Conference

The Final Pretrial Conference is set for December 17, 2009.

6. Trial

Trial is set to commence on January 25, 2010.

IT IS SO ORDERED.

Dated: 1/29/09

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HONORABLE RONALD M. WHYTE
United States District Court Judge